

Randall A Pentiuk
Office of City Attorney
City of Riverview
13900 Sibley Road
Riverview, MI 48192

US EPA RECORDS CENTER REGION 5



404061

Re: U.S. v. BASF Wyandotte

Dear Mr. Pentiuk:

This confirms our discussions of today's date with Pamela Rekar of the United States Environmental Protection Agency. As we indicated to you this morning, the United States is prepared to consider a serious proposal to build a marina on the BASF Riverview Site.

The Government is, however, currently committed to the remedial plan identified in the consent decree lodged with Judge Guy. We believe the agreement represents an appropriate remedy to abate the endangerment to the public health, welfare, and environment presented by the site. The consent decree is the product of extensive negotiations. As such, the United States is not in the position to begin protracted negotiations with the City of Riverview. We are, however, willing to examine a serious proposal that can, at a minimum, present an equivalent environmental solution to that identified in the consent decree.

To that end, the Government is willing to hold a one day negotiation session with representatives of the City of Riverview and signatories of the current consent decree. The purpose of this meeting would be to establish a conceptual agreement regarding any necessary changes to the current consent decree. The meeting is however, contingent upon receipt by the undersigned (and the parties identified as carbon copy recipients of this letter) of a letter from the City of Riverview by no later than close of business July 13, 1984 committing to the following six issues:

1. The City must commit by a date certain to the preparation of a "turn key" engineering plan;
2. The City must commit by a date certain to an environmental assessment of the marina on the migration of contaminants both on and off the BASF site;
3. The City must commit by a date certain to a long term (i.e., 30 years) monitoring plan;
4. The City must commit to a remedial construction completion date of no later than December 31, 1985 (marina aesthetics can be completed after 1985);
5. The City must state its position on future liability both in terms of its obligation to complete the remedial plan and monitoring as well as long term liability in the event of a future release or threat of release of contaminants into the environment; and
6. The City must identify the cost of the marina ~~plan~~ and with specificity and detail identify the financial assurances for completion of the remedial plan (i.e., a construction performance bond to be issued by a date certain).

I cannot overemphasize the importance of these issues. Please submit any and all supporting documentation on the above issues along with your commitment letter. Please identify, if you can, the engineering firm(s) you intend to use, the institutions you may apply to for grants, the commitments you have received from BASF, etc. The more precise your description of the marina and associated issues is, the more informed decision the Government can make regarding the appropriateness of attempting to modify the decree at this time.

The Government intends to extend the public comment period to no later than July 20, 1984, in order to facilitate the expedited negotiations. In the event that the Government does not receive the requested commitments by 5 pm July 13, 1984, the Government will close the public comment period as there will be insufficient time to adequately assess the appropriateness of an alternate remedial solution without jeopardizing the current remedial program.

Please feel free to contact either me or Pamela Rekar at 202 633 2771 or 312 886 6673, should you have any questions.

cc: Pamela Rekar Elizabeth Valentine
U.S. EPA Michigan Attorney General's Office
~~Thomas Woods~~ ~~Genevieve Holliday~~ Office

Thomas Woods Genevieve Holliday
BASF U.S. Attorney's Office